

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES C. KISNTER,

Plaintiff,

v.

THE CITY OF BUFFALO, *et al.*

Defendants.

MOTION MADE BY:

**NOTICE OF MOTION
TO DISMISS AND FOR
SUMMARY JUDGMENT**

Case No. 18-cv-00402

Defendants, CITY OF BUFFALO, BYRON LOCKWOOD (incorrectly sued here as "BRYON LOCKWOOD"), DANIEL DERENDA, LAUREN MCDERMOTT, JENNY VELEZ, KARL SCHULTZ, KYLE MORIARTY (incorrectly sued here as "KYLE MORIARTY"), DAVID T. SANTANA, ANTHONY MCHUGH, and JOHN DOE(S) (hereinafter "Defendants").

**DATE, TIME AND
PLACE OF HEARING**

On a date to be set by the Court at the United States District Court for the Western District of New York.

RELIEF SOUGHT:

Dismissal of Plaintiff's complaint pursuant to Fed.R.Civ.P. 12(c) for judgment on the pleadings and/or Fed.R.Civ.P. 56 for summary judgment, costs, and such other relief as deemed proper.

SUPPORTING PAPERS:

Statement of Undisputed Material Facts, Declaration of Maeve E. Huggins, Esq., Assistant Corporation Counsel, *of Counsel* to Timothy A. Ball, Esq., Corporation Counsel for the City of Buffalo, dated April 30, 2021, together with the accompanying Memorandum of Law and Exhibits, and all the pleadings and proceedings before had herein.

ANSWERING PAPERS:

Any answering papers must be served in accordance with the Federal Rules of Civil Procedure, the Local Rules of Civil Procedure, and any briefing schedule set by the Court. The Defendants request the opportunity to submit reply papers.

Dated: April 30, 2021
Buffalo, New York

TIMOTHY A. BALL, ESQ.
Corporation Counsel
Attorney for the Defendants

/s/ Maeve E. Huggins
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